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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TRINH, TAN H	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,403

Applicant(s)

LUCIDARME, THIERRY

Examiner

TAN TRINH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 15-23, 26, 27 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 11-14, 24-25 and 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9-10, 15-23, 26-27 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (U.S. Pub. No. 20030069027) in view of Moreau (U.S. Patent No. 5913168).

Regarding claims 1 and 18, Heinonen teaches a method of controlling a mode of reporting of measurements made on a radio interface between a mobile terminal and a cellular radio network infrastructure (see fig. 3, page 1, section [0009]), the infrastructure comprising at least one radio network controller (BCS 32) and fixed transceivers (BTS 31), the method comprising the following steps: measuring parameters of radio propagation between the mobile terminal and at least one of the fixed transceivers (see fig. 3, page 1, sections [0003-0004 and 0009] and page 2 section [0027]); transmitting to the radio network controller report messages indicating at least a part of the measured parameters (see page 1, section [0010]). In this case, the network received for a parameter set; that is transmitting from the matrix formed of the radio interface. But Heinonen does not mention in accordance with a mode of reporting specified by the radio network controller; obtaining an estimate of speed of movement of the mobile terminal at the radio network controller; and processing the report messages at the radio network

controller so as to determine, by taking account of the said estimate of speed, a mode of reporting to be specified for a part at least of the report messages.

However, Moreau teaches in the particular case of GSM networks, the measurements made by the mobile are transmitted to the network over the SACCH uplink channel (MEASUREMENT REPORT message) every 480 ms (or every 960 as if the current service is the short-messages service). The measurements taken by the base station (BTS) to which the mobile is attached are added to those received in the MEASUREMENT REPORT message from the mobile, in order to form the MEASUREMENT RESULT message which is sent to the base station controller (BSC). This instant is estimated on the basis of an extrapolation of the DISTANCE parameter included in the MEASUREMENT REPORT message, deduced from the TIMING ADVANCE parameter necessary for TDMA operation. And Moreau also teaches in the context of the method for controlling HO in a multi-cellular network, *the speed estimation mode* of FIG. 3 has the advantage of allowing adequate treatment of the street corner effects. When the mobile turns the corner of a street the drop in the field level which it receives from its serving base station is abrupt, typically of 20 to 30 dB. If the number of average values available and above the threshold S is sufficient to allow the speed to be estimated, this estimate will be relatively reliable to the extent that it will be based on measurements made prior to the street-corner effect (see col. 2, lines 64-col. 3, line 7 and lines 17-24, and col. 13, lines 24-col. 14, lines 67). In this case, the **speed estimation mode** it take to a account for a mode of reporting to be specified for a part at least of the report messages when the mobile turns the corner of a street the drop in the field level which it receives from its serving base station is abrupt.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Heinonen with Moreau on the report message, thereto in order to distinguish between the slow fading affecting a rapid mobile and the rapid fading affecting a slow mobile (see suggested by Moreau on col. 3, lines 30-33).

Regarding claim 2, Moreau teaches in which the speed estimate is calculated on the basis of the radio propagation parameters measured, and is included in a report message so as to be obtained at the radio network controller (see col. 2, lines 34-47 and lines 63-67, and col. 3, lines 1-7, and col. 13, lines 24-col. 14, lines 67).

Regarding claim 3, Moreau teaches the determination of the mode of reporting comprises the selection between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), and Heinonen teaches a transmission of the report messages upon event detection (see page 1, section [0010] on measuring the events corresponding to the respective parameter sets). In this case, the combination of Moreau and Heinonen is teaching the limitation of the claim.

Regarding claims 4 and 21, Moreau teaches the periodic transmission of the report messages is favoured with respect to the transmission of the report messages upon event detection when the estimate of the speed of movement of the mobile terminal is greater than a threshold (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7, and col. 13,

lines 25-32). In this case, the above level threshold S is the speed of movement of the mobile terminal is greater than a threshold.

Regarding claims 5 and 22, Moreau teaches the determination of the report mode comprises, in the case of a periodic transmission of the report messages, the selection of the period of transmission of the messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, line 7).

Regarding claims 6 and 23, Moreau teaches the period of transmission selected is a decreasing function of the estimate of the speed of movement of the mobile terminal (see col. 14, lines 48-54).

Regarding claims 9 and 26, Moreau teaches in which certain at least of the measured parameters indicated in the report messages for at least one fixed transceiver comprise data representative of a temporal variability of an energy level received over the channel between the mobile terminal and the said fixed transceiver (see col. 2, lines 29-52).

Regarding claims 10 and 27, Moreau teaches in which the processing of the report messages to determine the report mode takes account moreover of the data representative of the temporal variability (see col. 3, lines 17-55). In this case, the temporal variability is the mobile board on train and pass through the tunnel.

Regarding claims 15 and 32, Moreau teaches in which the measurement of the radio propagation parameters is at least in part performed in the mobile terminal (see col. 2, lines 35-41), the report message comprising up going messages sent by the mobile terminal to the infrastructure of the network (see col. 2, lines 64-67).

Regarding claims 16 and 33, Heinonen teaches in which the measurement of the radio propagation parameters is at least in part performed in one of the fixed transceivers (see fig. 3, page 1, sections [0003-0004 and 0009] and page 2 section [0027]), the report messages comprising messages sent by the said fixed transceiver to the radio network controller (see page 1, section [0010]). In this case, the network received for a parameter set, that is transmitting from the matrix formed of the radio interface.

Regarding claims 17 and 34, Moreau teaches in which the processing of the report messages to determine the report mode takes account moreover of a service whose scope encompasses a communication between the mobile terminal and at least one of the fixed transceivers (see fig. 1, col. 3, lines 17-col. 4, lines 4).

Regarding claim 19, Moreau teaches for obtaining an estimate of speed of movement of the mobile terminal comprise means for calculating the speed estimate on the basis of the radio propagation parameters measured and means for receiving a report message including said speed estimate (see col. 11, lines 33-48).

Regarding claim 20, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), and Heinonen teaches a transmission of the report messages upon event detection (see page 1, section [0010] on measuring the events corresponding to the respective parameter sets). In this case, the combination of Moreau and Heinonen is teaching the limitation of the claim.

Allowable Subject Matter

3. Claims 7-8, 11-14, 24-25 and 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

4. The following is an examiner's statement of reasons for allowance:

Regarding dependent claims 7 and 24, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7). However, Moreau alone or in combination with other prior art of record, fail to disclose; the determination of the report mode comprises, in the case of a transmission of the report messages upon event detection, the selection of the event whose detection gives rise to the transmission of one of the said messages, as specified in dependent claims 7 and 24.

Regarding dependent claims 11 and 28, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7). However, Moreau alone or in combination with other prior art of record, fail to disclose; the certain at least of the measured parameters indicated in the report messages for at least one fixed transceiver comprise data representative of a temporal variability of an energy level received over the channel between the mobile terminal and the fixed transceiver; the processing of the report messages to determine the report mode takes account moreover of the data representative of the temporal variability; and the periodic transmission of the report messages is favoured with respect to the transmission of the report messages upon event detection when the temporal variability of the energy level is greater than a threshold, as specified in dependent claims 11 and 28.

Regarding dependent claims 12 and 29, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7). However, Moreau alone or in combination with other prior art of record, fail to disclose; the certain at least of the measured parameters indicated in the report messages for at least one fixed transceiver comprise data representative of a temporal variability of an energy level received over the channel between the mobile terminal and the fixed transceiver; the processing of the report messages to determine the report mode takes account moreover of the

data representative of the temporal variability in which the periodic transmission of the report messages is favoured with respect to the transmission of the report messages upon event detection when the temporal variability of the energy level is increasing, as specified in dependent claims 12 and 29.

Regarding dependent claims 13 and 30, Moreau teaches for processing the report messages so as to determine a mode of reporting comprise means for selecting between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7). However, Moreau alone or in combination with other prior art of record, fail to disclose; the certain at least of the measured parameters indicated in the report messages for at least one fixed transceiver comprise data representative of a temporal variability of an energy level received over the channel between the mobile terminal and the fixed transceiver; the processing of the report messages to determine the report mode takes account moreover of the data representative of the temporal variability in which the period of transmission selected is a decreasing function of the temporal variability of the energy level, as specified in dependent claims 13 and 30.

Response to Arguments

4. Applicant's arguments filed 11-29-2007 have been fully considered but they are not persuasive.

Applicant argues that the reference of Moreau does not disclose the mode of reporting to network controller with detected mobile speed, and Moreau does not disclose the modifying

mode base on the detected speed. However, the examiner does not agree. Since Moreau teaches the measurements made by the mobile are transmitted to the network over the SACCH uplink channel (MEASUREMENT REPORT message) every 480 ms (or every 960 as if the current service is the short-messages service) with *the speed estimation mode* of FIG. 3 has the advantage of allowing adequate treatment of the street corner effects, and the measurements of the speed which the mobile is attached are added to MEASUREMENT REPORT message from the mobile and send or reporting to network (BS) (see col. 2, lines 64-col. 3, line 7 and lines 17-24, and col. 13, lines 24-col. 14, lines 67); and the mode of reporting selection between a periodic transmission of the report messages (see the report periodic for every 480ms on col. 2, lines 65-col. 3, lines 7), Moreau also teaches the distinguish between the slow fading affecting a rapid mobile and the rapid fading affecting a slow mobile (see col. 3, lines 30-33), and change of speed by the mobile station (see col. 5, lines 60-61). And the reporting is report on the detected mobile max speed or min speed or when moving or stop at red light (see col. 10, lines 56-67, and col. 13, lines 1-5). In this case the Moreau disclose the modifying mode base on the detected speed. Therefore, the Moreau reference is teaching the limitation of the claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
December 3, 2007

PATENT EXAMINER
TRINH, TAN

A handwritten signature in black ink, appearing to read 'Tan H. Trinh', with a long horizontal flourish extending to the right.